

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 13-27 will have been amended (merely to eliminate several minor typographic and grammatical errors) and submitted for reconsideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejection of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided. Applicant further notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application on June 18, 2003 by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited in Information Disclosure Statement.

Turning to the merits of the action, the Examiner has rejected claims 13-27 under 35 U.S.C § 103(a) as being unpatentable by OKAMOTO et al. (U.S. Patent No. 5,805,678) in view of YOSHIDA et al. (U.S. Patent No. 6,463,132 B1).

As noted above, Applicant has amended the rejected claims and has submitted the amended claims for reconsideration. Applicant respectfully traverses the above rejection based on the claims 13-27 and will discuss the rejection with respect to the pending claims in the present application as will be set forth herein below. The amended claims merely eliminate minor informalities recited in the rejected claims.

In the above-noted rejection, the Examiner asserts that YOSHIDA et al. discloses a receiving modem comprising a controller which communicates with the transmitting modem based on the communication procedure specified, when a CM signal is detected as the response signal, and data communicates with the transmitting modem, when a signal used in data communication is detected as the response signal. The Examiner asserts that OKAMOTO et al. includes a controller that performs communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V. 22, when a SI signal is detected as the response signal. The Examiner also asserts that OKAMOTO et al. includes a controller that performs communications with the transmitting modem based on the data communication procedure specified in ITU Recommendation V. 32, when a AA signal is detected as the response signal. The Examiner further asserts that OKAMOTO et al. would include an AC signal specified in at least one of ITU Recommendation V. 22 and V.32 as to accurately monitor the fax operation during the transmission.

Applicant respectfully traverses the above rejection.

Particularly, Applicant's claims relate to a receiving modem, a communication control apparatus and a method for controlling a communication having a receiving modem that transmits a facsimile control signal, communicates with a transmitting modem based on the communication procedure specified in ITU Recommendation V.8, when a CM signal is detected as the response signal, and data communicates with the

transmitting modem, when a signal used in data communication is detected as the response signal.

On the other hand, YOSHIDA et al. relates to a receiving modem which executes a facsimile communication and a voice or speech communication based on a capability of the receiving party. Thus, YOSHIDA et al. does not contain any disclosure about "data communication", although this term is mentioned therein. Specially, column 11, lines 5-20 and column 12, lines 10-20 of YOSHIDA et al. explain an automatic FAX-TEL selection mode. However, this description of these selections bear no relation to the data communication of the pending claims. Data communication is ordinarily a communication in which character data are transmitted and received, unlike the facsimile communication in which image data are transmitted and received, and unlike telephone communication in which voice signals are transmitted. The above distinctions are supported by pages from a dictionary which Applicant has attached. These pages show the distinction between "data" communication and "voice" which is transmitted by YOSHIDA et al. in the TEL mode. Thus, YOSHIDA et al. does not disclose "data communication" which is explicitly recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-27 are not disclosed in YOSHIDA et al. cited by the Examiner.

OKAMOTO et al. relates to a facsimile system which utilizes a subunit of a cordless telephone. The facsimile system has a parent unit which is connected to a telephone line. The facsimile system also has a facsimile unit and a telephone unit which

are connected by radio to the parent unit. When a CNG signal is detected, the parent unit connects the facsimile unit by radio, and when a CNG signal is not detected, the parent unit connects the telephone unit by radio. However, OKAMOTO et al. does not contain any disclosure about "data communication". Especially, although column 62, line 65 of OKAMOTO at el. refers to ITU Recommendation V.32, this describes an "voice" signal and a moving picture. Thus, OKAMOTO et al. also does not disclose data communication as recited herein.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-27 are not disclosed in OKAMOTO et al. cited by the Examiner. The pending claims are submitted to also be patentable over the Examiner's proposed combination, since neither of references YOSHIDA et al. and OKAMOTO et al. discloses the combination of features recited in Applicant's claims 13-27.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended and submitted the rejected claims for consideration by the Examiner. With respect to the submitted claims, Applicant has pointed out the features thereof and has contrasted the

features of the submitted claims with the disclosure of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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December 8, 2003
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